

By McGowan

S.C.R. No. 90

SENATE CONCURRENT RESOLUTION

1 WHEREAS, Elkins Lake Municipal Utility District and Elkins
2 Lake Recreation Corporation allege that the State Highway and
3 Public Transportation Commission and the Texas Water Rights
4 Commission designed and had constructed an earthen embankment in
5 Walker County; and

6 WHEREAS, Elkins Lake Municipal Utility District, et al.,
7 allege that the embankment has disturbed the soil and interfered
8 with surface water drainage in the area, causing pollution of
9 Elkins Lake and damage to their property; now, therefore, be it

10 RESOLVED by the Senate of the State of Texas, the House of
11 Representatives concurring, That Elkins Lake Municipal Utility
12 District and Elkins Lake Recreation Corporation are hereby granted
13 permission to sue the State of Texas, the State Highway and Public
14 Transportation Commission, and the Texas Department of Water
15 Resources for whatever relief to which they may be entitled as a
16 result of this claim and that any person who claims damage as a
17 result of these alleged actions is granted permission to join in
18 the suit; and, be it further

19 RESOLVED, That the suit may be brought in Walker County and
20 that in the event suit is filed, service of citation and other
21 required process be made on the chairman of the State Highway and
22 Public Transportation Commission, the executive director of the
23 Texas Department of Water Resources, and the attorney general of
24 the State of Texas and that the suit be tried as other civil suits;

1 and, be it further

2 RESOLVED, That nothing in this resolution may be construed as
3 an admission by the State of Texas, or by any of its employees,
4 agents, departments, agencies, or political subdivisions of
5 liability or of the truth of any allegation asserted by the
6 claimants, but the alleged cause of action must be proved under the
7 laws of this state as in other civil suits; and, be it further

8 RESOLVED, That nothing in this resolution may be construed as
9 a waiver of any defense, of law or fact, available to the State of
10 Texas or to any of its employees, agents, departments, agencies, or
11 political subdivisions, but every defense is specifically reserved.

COMMITTEE REPORT FORM

Austin, Texas

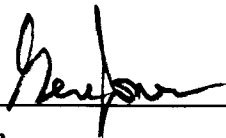
5/24/79

Date of report to Senate

Honorable William P. Hobby
President of the Senate

Sir:

We, your Committee on Administration to which was referred
SCR No. 90 have had the same under consideration, and I am instructed to report it back to the Senate
with the recommendation that it do pass and not and be printed.



Chairman

Paper clip the original and one copy of this form to the original bill and retain one copy for your file.

REQUEST FOR LOCAL & UNCONTESTED CALENDAR
PLACEMENT

Hon. Gene Jones, Chairman
Administration Committee

Sir:

Pursuant to S. R. 16, notice is hereby given that _____, by: _____,
was heard by the Committee on _____ on _____, 1979,
and reported out with the recommendation that it be placed on the Local and Uncontested
Calendar.

Chairman of the reporting committee

IMPORTANT: THIS FORM MUST BE ATTACHED TO A PRINTED COPY OF THE BILL
OR RESOLUTION, WHICH ALONG WITH 7 ADDITIONAL COPIES OF THE BILL OR
RESOLUTION SHOULD BE DELIVERED TO THE OFFICE OF THE COMMITTEE ON
ADMINISTRATION, ROOM G-27J. PLEASE CALL 5-1134 IF YOU HAVE ANY
QUESTIONS. **DEADLINE FOR SUBMITTING BILLS FOR THE LOCAL CALENDAR IS**
6:00 P.M. MONDAYS.

ATTACH THIS COPY TO BILL

S.C.R. No. 90

By: Nease

SENATE CONCURRENT RESOLUTION

granting Elkins Lake Municipal Utility District, et al.,
permission to sue the state.

_____ Filed with the Secretary
of the Senate.

Immediate consideration ordered by
unanimous consent

_____ yeas, _____ nays

MAY 22 1979 Read first time and
referred to Committee on _____

ADMINISTRATION

MAY 25 1979 Reported favorably.

_____ Read and Adopted.

MAY 25 1979 Ordered not printed by
the Senate. _____

Secretary of the Senate

Immediate consideration ordered by

{ unanimous consent.

{ _____ yeas, _____ nays.

_____ Read and Adopted.

Secretary of the Senate

Engrossing Clerk

_____ Sent to House.

_____ Received from Senate

_____ Read first time and referred to Committee on _____

_____ Reported favorably amended and sent to Printer _____

_____ Printed and Distributed _____

_____ Sent to Committee on Calendars _____

_____ Read and Adopted Failed (as amended) by a Non Record Vote

Record Vote of _____ yeas _____ nays _____ present not voting

_____ Returned to Senate.

Chief Clerk of the House